

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00214

DEREK RANKIN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 20, 2016, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Derek Rankin, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a twenty-seven month term of supervised release in this action on April 1, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on November 20, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on April 26, 2016, for codeine and morphine; his admission to the probation officer on April 28, 2016, that he had used Suboxone without a valid prescription on April 25, 2016; a positive urine specimen submitted by him on May 5, 2016, for morphine and norbuprenorphine; and a positive urine specimen submitted by him on May 11, 2016, for morphine and buprenorphine, at which time the defendant admitted to the probation officer that he nasally ingested a stamp of heroin on April 24 and May 9, 2016, and that he orally ingested Suboxone without a valid prescription on four occasions during the previous two weeks with the last time being on May 7, 2014; and (2) the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered the Dismas Charities program on April 1, 2016, and was discharged on May 11, 2016, for failure to abide by the program rules; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-one (21) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he participate in a six to twelve month program comparable to that offered by Recovery Point or Four Seasons, and make himself available for such other drug

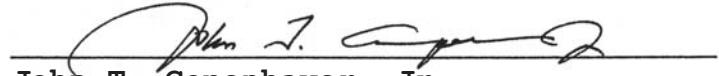
abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to a medical facility.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 1, 2016


John T. Copenhaver, Jr.
United States District Judge